

REMARKS

Claims 71 to 95 and 97 to 99 are pending. Claim 96 has been cancelled. Claims 71, 89 and 91 are independent. Claim 99 is a new dependent claim, which is submitted to be supported by the application as originally filed.

Claim Amendments

Independent claim 71 has been amended to recite a device for applying force to a person's spine. Claim 71, as amended recites that the device is configured to be free of actuators in its portion adjacent a front of the person.

Claim 89 has been amended to be independent.

Independent claim 91 has been amended to recite a method for applying force to a person's spine. Claim 91 has also been amended to recite that first and second body-encircling members are secured around the person's torso so that the inflatable bladder extends around the person's back and sides while leaving the person's front open.

Consequential amendments have been made to claims 71 and 91 and the claims that depend therefrom.

The claim amendments are submitted to add no new subject matter.

Compliance of Claims 71, 76 and 97-98 with 35 USC §102

The Office Action rejected claims 71, 76 and 96-98 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 1,589,670 (Vartia). These claims, as amended, are submitted to be patentable over Vartia.

To the Applicants' understanding, Vartia does not show a device for applying force to a person's spine wherein at least one actuator is "positioned to extend around the person's back and sides", as claimed in amended claim 71. In the Vartia device, as understood, tubes (12) are located behind a wearer's back. Vartia does not disclose or suggest an actuator configured to extend around a person's sides, as claimed. Therefore, claim 71 is submitted to be

patentably distinct from Vartia. Claims 76, 97 and 98 depend from claim 71, and are submitted to patentably distinguish Vartia for at least this reason.

Further, claim 98 recites that “the at least one actuator is dimensioned to extend substantially continuously around the sides and back of the person’s torso”. To the Applicants’ understanding, Vartia does not disclose a device having this feature. Vartia discloses distinct, separated tubes (12). Accordingly, claim 98 is submitted to further distinguish Vartia.

Compliance of Claims 71-95, 97 and 98 with 35 USC §102

The Office Action rejected claims 71-98 under 35 USC §102(e) as being anticipated by U.S. Patent No. 5,950,628 (Dunfee). These claims, as amended, are submitted to be patentable over Dunfee.

Dunfee, as understood, does not disclose a device for applying force to a person’s spine wherein an actuator is “positioned to extend around the person’s back and sides” but the device is free of actuators in its portion adjacent a front of a person wearing the device as claimed in claim 71. Further, the Applicants submit that Dunfee, as understood, teaches away from such a device: for example, Dunfee says that:

Generally speaking, it would be undesirable for the number of inflatable support members to be less than four. With a configuration of four vertical support members, these would preferably be distributed with two in the front of the vest and two in the rear of the vest. It is also possible to have more than five members, such as six, where the plurality of vertical inflatable support members 40 would be distributed equally between the front and back portions of the vest 10... (col. 16 , ln. 28-36) [Emphasis added.]

Each of the Dunfee embodiments of apparatus for providing spinal traction has a number of support members (40) directly in front of the wearer as well as a number of support members (40) behind the wearer's back. See, for example, col. 16, ln. 26 to 36.

Accordingly, claim 71, and claims 72-88, 95, and 97-98 which depend therefrom, directly or indirectly, are submitted to patentably distinguish Dunfee.

Likewise, to the Applicants' understanding, Dunfee does not disclose a method for applying force to a person's spine wherein first and second body-encircling members are secured around the person's torso "so that the inflatable bladder extends around the person's back and sides while leaving the person's front open". Accordingly, claim 91, and claims 92-94 which depend therefrom, are submitted to patentably distinguish Dunfee.

In respect of claims 89 and 90, to the Applicants' understanding, Dunfee does not disclose a device for applying force to a person's spine wherein a first actuator is "located to be adjacent a first hip of the person wearing the device" and a second actuator is "located to be adjacent a second hip of the person wearing the device", "wherein the first and second actuators do not extend across the person's front in use", as claimed in amended claim 89. Accordingly, claim 89, and claim 90 which depends therefrom, are submitted to patentably distinguish Dunfee.

Other dependent claims are submitted to further distinguish Dunfee. For example, claims 75, 75, 87, 97, and 98 recite that the actuator extends "substantially continuously" around a wearer. By contrast, in the Dunfee device, the support members (40) are relatively widely spaced apart and have gaps between them.

Conclusion

The Applicants submit that this application, as amended, is in condition for allowance. Therefore, the Applicants respectfully request reconsideration and allowance of this application.

Respectfully submitted,

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